

TEMORA SHIRE COUNCIL



TEMORA

The Friendly Shire

Child Safe Policy

DRAFT

Review Details

ABOUT THIS RELEASE

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REVIEW

Revision Date	Revision Description		Date approved by Council	General Managers Endorsement
30 August 2017	Legislative Review	1	N/A	GCL
November 2018	No Change	2	N/A	GCL
January 2024	Legislative Review	3		

PLANNED REVIEW

Planned Review Date	Revision Description	Review by
January 2025	Fit for Purpose	General Manager

1. Purpose

Temora Shire Council is committed to being a child safe organisation that values the safety and wellbeing of all children and young people in our community. This Child Safe Policy will support a culture that creates, maintains and improves child safe practices across all areas of Council's operation and ensures adherence to the NSW Child Safe Standards. It will provide strategic and operational direction to Councillors, council staff, volunteers and other stakeholders engaged to deliver council services.

Our commitment to child safety upholds a zero tolerance of child abuse. Our organisation will promote and support the safety, welfare and wellbeing of children and young people where abuse is prevented, responded to and reported.

As a Council, we endeavour to inform, listen to and empower children and young people to voice opinions about decisions that directly affect them. We value children and young people as meaningful and beneficial members of our community, and we are committed to an organisation where our staff and our practices hold child safety as a paramount objective.

We seek to ensure equity for all children and young people interacting with our services and seek to continually improve how we maintain safety in our organisation.

2. Scope & Audience

This policy applies to all people who conduct work for Temora Shire Council in a paid or unpaid capacity. This may include Councillors, Council staff, volunteers, contractors, trainees, work experience participants and other stakeholders engaged to deliver council services.

This policy applies to all activities in the organisation which involve, result in, or relate to contact with children and young people.

3. Roles and responsibilities

Council

The Council publicly commits to child safety and embeds a child safe culture as adopted in Council's Child Safe Code of Conduct.

General Manager

The General Manager is responsible for ensuring that Council fulfills its responding and reporting obligations and to notify the Office of the Children's Guardian (NSW) when an allegation of child abuse is made against a Councillor, employee, volunteer, or contractor or other stakeholder engaged to deliver council services. The General Manager is responsible for ensuring that Councillors are informed and supported to understand their roles in providing a child safe environment.

Directors/Managers

Directors/Managers are responsible for ensuring compliance with the policy and that all Council employees, contractors and volunteers are informed, resourced and supported to understand their role in providing a child safe environment.

Child Protection Officer

Council's Public Officer has been appointed as the Child Protection Officer and their responsibilities are:

- to provide ongoing support and response to concerns about the safety and wellbeing of children while engaged in services, programs or events delivered by council.

- to notify the Office of the Children's Guardian (NSW) when an allegation (of which they are aware) of child abuse is made against a Councillor, employee, volunteer, or contractor.

Council employees, Councillors, Contractors, and volunteers

Employees, Councillors, contractors, and volunteers shall adhere to the requirements of this policy, reportable conduct and responding and reporting obligations and be able to demonstrate their awareness of their child safety responsibilities. Employees and Councillors are also to be aware of their obligations outlined in the Child Safe Code of Conduct. All staff shall adhere to their responding and reporting and reportable conduct obligations and take action when a child or young person is at risk of significant harm.

All Council staff should be aware that the appointment by Council of a Child Protection Officer does not remove mandatory reporting obligations that other Officers of Council may have under S27 of the *Children and Young Persons (Care and Protection) Act 1998*

4. Statement of Commitment to Child Safety

Council believes children and young people have the right to be respected, empowered and safe. We are committed to our responsibilities in keeping them safe and listening to their views.

5. Child Safe Standards

The Child Safe Standards recommended by the Royal Commission provide a framework for making organisations safe for children. The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) shone a spotlight on thousands of cases where organisations in Australia failed to protect children in their care from abuse.

This Policy reflects Council's commitment to:

- The office of Children's Guardian's *Principles for Child-Safe Organisations (2017)*.
 - Principle 1: The organisation focuses on what is best for children.
 - Principle 2: All children are respected and treated fairly.
 - Principle 3: Children's families and communities are welcome and encouraged to participate in the organisation.
 - Principle 4: Children receive services from skilled and caring adults.
- The *Child Safe Standards* identified in context of the Royal Commission (2017):
 1. Child safety is embedded in institutional leadership, governance, and culture.
 2. Children participate in decisions affecting them and are taken seriously.
 3. Families and communities are informed and involved.
 4. Equity is upheld, and diverse needs are taken into account.
 5. People working with children are suitable and supported.
 6. Processes to respond to complaints of child abuse are child focused.
 7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
 8. Physical and online environments minimise the opportunity for abuse to occur.
 9. Implementation of the Child Safe Standards is continuously reviewed and improved.
 10. Policies and procedures document how the organisation is child safe.
- The United Nations *Convention on the Rights of the Child (1990)*.

6. Requirements

Mandatory reporting – Risk of significant harm

Where there are concerns that a child or young person is suspected to be at risk of significant harm, staff who are 'mandatory reporters' are required to report these concerns to the Department of Communities and Justice (DCJ) Child Protection Helpline. The Mandatory Reporter Guide (MRG) is used to help determine when and what should be reported. Staff who are not mandatory reporters, as well as members of the community, can also report the suspected risk of significant harm to the Child Protection Helpline. The Child Protection Helpline receives reports via either telephone on PH: 132 111 or via eReporting. Mandatory reporting is outlined in the *Children and Young Persons (Care and Protection) Act 1998*.

Selection and recruitment

Council will meet legal requirements to ensure that only people with valid Working with Children Checks (WWCC) are engaged in child-related work. The WWCC is an essential part of Council's recruitment process to prevent people who pose a risk to the safety of a child or young person from being employed or engaged in child-related work. Human Resources (HR) manage all selection and recruitment related WWCCs. This is in line with the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013*.

Allegations against staff

Complaints and allegations against staff, elected members, contractors and sub-contractors, work experience participants, volunteers and students on placement involving a child or young person will be handled in accordance with the relevant legislation, specifically the *Children's Guardian Act 2019*. This mandates a specific approach to the handling and reporting of complaints about staff involving a child or young person.

All allegations in relation to staff involving an individual under the age of 18 years will be immediately reported to the Child Protection Officer, who will in turn investigate and report the matter to the relevant oversight agency in accordance with Council's reporting obligations.

Child-Safe Organisation

Council upholds and promotes the safety and wellbeing of children and young people in our community. This involves implementing best practice approaches to child protection. Council adopts the *Royal Commission Final Report Recommendations (2017)* relevant to Local Government including the Child Safe Standards. Council also supports the Office of the Children's Guardian's *Principles of Child-Safe Organisations*. Council's Management team collaborates on the identification, implementation and creation of policies, procedures and actions that enables Council to meet its objectives as a Child-Safe Organisation.

7. Definitions

Abuse: a term that is used to describe different types of harm or maltreatment. In this document it refers to types of harm or maltreatment that children and young people experience.

Allegations: A reportable allegation is that an employee has engaged in conduct that may be reportable

Child: refers to a person who is under the age of 16 years.

Child Safe Organisation: An organisation in which child safety is embedded in planning, policy and practices and where the voices of children and young people are valued and actioned.

DCJ: The NSW Department of Communities and Justice. DCJ is the NSW Government agency responsible for the care and protection of children and young people.

Mandatory Reporters: People who deliver services, wholly or partly, to children as part of their paid or professional work. This is regulated by the *Children and Young Persons/Care and Protection) Act 1998*

MRG: Mandatory Reporter Guide. The MRG is a decision-making tool to assist Mandatory Reporters to help determine how the suspected risk of significant harm of a child or young person is reported.

Neglect: A term used to refer to a pattern characterised when a parent or caregiver cannot regularly provide a child or young person the basic requirements for his or her growth and development such as food, clothing, shelter, medical and dental care, adequate supervision and adequate parenting and care.

Public Officer: Director Administration & Finance.

Reportable Conduct: The Children's Guardian Act 2019 defines reportable conduct as:

- A sexual offence
- Sexual misconduct
- Ill-treatment of a child
- Neglect of a child
- An assault against a child
- An offence under S43B (failure to protect) or a 316A (failure to report) of the Crimes Act 1900 and
- Behaviour that causes significant emotional or psychological harm to a child.

Risk of Significant Harm: Concern/s about a child or young person that is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. It is something that is not minor or trivial and that may be reasonably expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare, or wellbeing. In addition, it can result from a single act or omission or an accumulation of these. Risks of significant harm is the NSW threshold to report child protection concerns to DCJ via the Child Protection Helpline.

WWCC: Working with Children Check. The WWCC is a requirement for anyone who works or volunteers in child-related work in NSW. The check provides either clearance to work with children for five years, or a bar against working with children.

Young Person: A young person can be defined in a variety of ways depending on the context. For this Policy a young person is a person who is over the age of 16 years but under the age of 18 years.

8. Related Documents

- Child Safe Code of Conduct
- Child Safe Reporting Procedure
- Child Safe Risk Management Plan (under development)
- Child Safe Recruitment Policy (under development)

9. Background/legislative requirements

- *Children's Guardian Act 2019*
- *Child Protection (Working with Children) Act 2012*
- *Child Protection (Working with Children) Regulation 2013*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Crimes Act 1900*

- Children and Young Persons (Care and Protection) Regulation 2012
- Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015
- *Disability Inclusion Act 2014*
- *Anti-Discrimination Act 1977*
- United Nations Convention of the Rights of the Child
- Child Safe Standards

10. Publication

Council's Child Safety policy will be available on Council's website, promoted through social media platforms, including staff newsletters and noticeboards. Details of the policy will be included in Council's induction process. Through visibility and awareness of this policy Council aims to ensure that employees, Councillors, contractors, volunteers and other stakeholders are aware of Council's commitment to child protection and as a result, take a preventative, proactive and participatory stance in ensuring the safety and wellbeing of children and young people in their activities and across the community.

11. Review

This policy will be reviewed annually, after an incident by the General Manager and once per term of Council by the governing body, taking into account legislative or industry changes. The policy will be put on public exhibition for input from young people and their advocates.